

## **INITIAL STATEMENT OF REASONS:**

The California Department of Corrections proposes amendments to Section 3075.2 (d) of Title 15 of the California Code of Regulations to clarify provisions regarding funds provided by the Department to inmates who are released from prison or from a civil addict commitment.

The lack of specific language clarifying the funds intended purpose has created the misperception that these sums allocated as release funds are intended as “payment” for being released from prison. A releasee/parolee may be picked up and placed in custody in another jurisdiction because of an outstanding warrant, or returned to custody for a new offense, before receiving any or all of the designated release funds. Because of unclear language, affected persons believe that they should be able to receive these funds in jail or prison and use them to buy canteen items or pay for procurable services, such as postage or legal copying. These proposed changes are necessary to ensure effective and appropriate use of these State resources that are intended for the rehabilitative purpose of assisting the releasee/parolee’s reintegration back into community living.

Many inmates are paroled to a community where resources to help them make a new start are insufficient, not obtainable immediately, or simply unavailable. Inmates’ family and social ties in the community may have been severed by the physical separation and social stigma of imprisonment. The releasee/parolee needs these funds for food, temporary housing, transportation and other basic necessities. Even those who will have the immediate support of family or friends and/or have a job lined up upon release will need funds to pay for initial living/work-related expenses.

The Department must determine that no alternative considered would be more effective in carrying out the purpose of this action or would be as effective and less burdensome to affected private persons than the action proposed.

**Subsection 3075(d)** is amended to explain the intent of release funds, which is to help the incarcerated person reintegrate into the community as a prison parolee or as a civil addict commitment releasee. This is necessary to ensure that the purpose for these funds and the intent of the regulation are clearly understood.

**Subsection 3075(d)(1)** is amended to clarify the provision that prohibits an inmate released to the custody of the United States Immigration and Naturalization Service from receiving release funds.

**New Subsection 3075(d)(2)** is proposed to add the provision that funds will not be paid to a parolee/releasee released to local custody or to a parolee subsequently placed in custody in any jurisdiction within the state of California. Inmates of prisons or jails are not required to pay for their own subsistence and are not in the community. This change is necessary to prevent inappropriate use of State funds.

**Subsections 3075.2(d)(2) and (d)(3)** are renumbered to 3075.2(d)(3) and (d)(4).

**Existing Subsection 3075.2(d)(4)** is repealed. This language was incorporated into new Subsection 3075.2(d)(2). This deletion is necessary to prevent duplication.

**Subsections 3075.2(d)(5) and (6)** are unchanged.

**New Subsection 3075.2(d)(7)** is added to ensure that inmates or parole violators returned to custody who are released to the jurisdiction of the Department of Mental Health will not receive release funds until they are actually in the community. This is necessary to prevent inappropriate use of the funds and ensure that they will be available when they are needed for living expenses.

**Subsection 3075.2(e)** is unchanged.